

1 HONORABLE RONALD B. LEIGHTON
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 RICK GREER,

11 Plaintiff,

12 v.

13 OCWEN LOAN SERVICING LLC,

Defendant.

CASE NO. C13-5964 RBL

ORDER DENYING MOTION TO
AMEND AND GRANTING MOTION
TO DISMISS

14 THIS MATTER is before the Court on Ocwen's Motion to Dismiss Plaintiff Greer's

15 [First Amended] Complaint [Dkt. #20], and on Greer's Motion to Amend that complaint a

16 second time [Dkt. #21]. The Court already partially granted a prior motion to dismiss [see Dkt.

17 #17], and permitted Greer to amend to sufficiently allege a compensable injury arising from his

18 WCAA and WCPA claims. The current Motion to Dismiss points out that Greer's amended

19 Complaint remains deficient on that issue; the Motion to Amend is Greer's renewed effort to

20 sufficiently allege injury. Ocwen opposes the Motion to Amend on the ground that the

21 amendment is futile; all of the "damages" claimed by Greer relate to this litigation as a matter of

22 law.

1 Greer argues that he did not know that he was going to sue when he incurred his
2 "damages"—for example, the cost of certified mailings and his lost time while arguing with
3 Ocwen over their claim that he was in default on his mortgage, and his response that they were
4 violating various statutes in seeking payment, or to foreclose on the security for the in-default
5 mortgage loan.

6 This is not accurate. This is not Mr. Greer's first, or even his second, effort to turn his
7 own default into a sword for purposes of collecting damages from his creditors. In this District
8 alone he has filed three cases in the last eight months, all under similar statutes, with similar
9 aims. *See Greer v. Philips & Cohen Associates Ltd*, Cause No. 13-6095RBL; *Greer v Green*
10 *Tree Servicing LLC, et al.*, Cause No. 14-5594RJB.

11 In any event, all of the damages alleged, even in his third effort, relate directly to this
12 litigation. Amendment would therefore be futile, for the reasons outlined in the Court's prior
13 order and in Ocwen's Motion and Reply. The Motion to Amend [Dkt. #21] a second time is
14 DENIED. The Motion to Dismiss [Dkt#20] is GRANTED, and this case is DISMISSED WITH
15 PREJUDICE.

16 Any other pending motions are denied as moot.

17 IT IS SO ORDERED.

18 Dated this 20th day of August, 2014.

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21 RONALD B. LEIGHTON
22 UNITED STATES DISTRICT JUDGE
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